

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ANTON MCCULLOUGH,**

**Petitioner,**

**v.**

**JOHN WETZEL, *et al.*,**

**Respondents.**

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**Civ. A. No. 2:21-cv-00091-JDW**

**ORDER**

**AND NOW**, this 28th day of July, 2022, upon consideration of the Amended Petition Under 28 U.S.C. § 2254 For Writ Of Habeas Corpus By A Person In State Custody (ECF No. 8), and following careful and independent review of the Honorable Richard Lloret's Report and Recommendation (ECF No. 22), without timely Opposition from the *pro se* Petitioner,<sup>1</sup> for good cause including finding (a) that Mr. McCullough's claims concerning unlawful detention are procedurally defaulted and lack merit, and (b) Mr. McCullough's ineffective assistance of counsel claim is not cognizable in federal court, it is **ORDERED** as follows:

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<sup>1</sup> Mr. McCullough submitted a letter that the Court docketed on May 23, 2022. (ECF No. 23). However, Mr. McCullough appears to have sent that letter before Judge Lloret issued his Report and Recommendation because it is addressed to Judge Lloret and the envelope has a postage date of April 6, 2022, which predates the R&R. Given that it took more than six weeks for that letter to make its way to the Court, the Court has held off on addressing the R&R to see if Mr. McCullough had submitted objections to the R&R, but after three months, none have come.

1. The Court **ADOPTS** and **APPROVES** Judge Lloret's detailed Report and Recommendation (ECF No. 22) is **APPROVED** and **ADOPTED**; and

2. The Court **DENIES** and **DISMISSES WITH PREJUDICE** the Amended Petition for writ of *habeas corpus* (ECF No. 8).

The Court finds no probable cause to issue a certificate of appealability because Mr. McCullough has not demonstrated that reasonable jurists would debate the correctness of the procedural aspects of this ruling, nor has he made a substantial showing of the denial of a constitutional right.

The Clerk of Court shall mark this case closed for statistical purposes.

**BY THE COURT:**

/s/ Joshua D. Wolson

**HON. JOSHUA D. WOLSON**